

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

OLLIE LEE EVANS

VS.

CIVIL ACTION NO. 2:11cv27-KS-MTP

LAURA TILLEY, ET AL

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION
AND DISMISSING DISCRIMINATION CLAIMS WITH PREJUDICE

This cause is before the Court *sua sponte* and on a Report and Recommendation of the United States Magistrate Judge Michael T. Parker [26] and Objection thereto [28] filed by Ollie Lee Evans. The Court has considered said documents and the record herein and does hereby find as follow:

Ollie Lee Evans, Plaintiff, is an inmate at the Mississippi State Penitentiary in Parchman, Mississippi and he filed his claim pursuant to 42 U.S.C. § 1983 on February 8, 2011. Plaintiff's claims were clarified and amended by testimony during the *Spears* hearing.

Plaintiff claims that he was denied equal protection because of his race and his criminal charge, but his testimony at the *Spears* hearing demonstrated that his claim is frivolous. In his Objection he only makes conclusory statements and points to nothing that disputes the findings of the Magistrate Judge. Therefore, the equal protection claims of Plaintiff are frivolous.

CONCLUSION

As required by 28 U.S.C. § 636(b)(1) this Court has conducted an independent review of the entire record and a *de novo* review of the matters raised by the objections.

For the reasons set forth above, this Court concludes that Evans' objections lack merit and should be overruled. The Court further concludes that the Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards. Therefore, the Court accepts, approves and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation. Accordingly, it is ordered that the United States Magistrate Judge Michael T. Parker's Report and Recommendation is accepted pursuant to 28 U.S.C. § 636(b)(1) and that Ollie Lee Evans' claims for denial of equal protection are **dismissed with prejudice**.

SO ORDERED this, the 5th day of January, 2012.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE